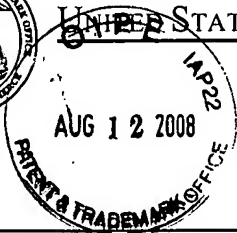




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,303	01/20/2006	Katsuhiko Yamaguchi	126732	7078

25944 7590 08/11/2008  
OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850

EXAMINER

SWENSON, BRIAN L

ART UNIT	PAPER NUMBER
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3618

MAIL DATE	DELIVERY MODE
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08/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/565,303	Applicant(s) YAMAGUCHI ET AL.	
	Examiner BRIAN SWENSON	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :1/20/06, 3/5/08, 4/3/08, 6/6/08.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4, 6-9, and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,007,464 issued to Asami et al.

Asami et al. teaches in Figures 1 and 2 and respective portions of the specification of a control apparatus and method of operation a vehicle equipped with an electric motor (motors 1 and 13) generating drive power, a charging mechanism (21) supplying electric power to said electric motor, and a catalyst (25) purifying gases emitted as the drive power of said vehicle is generated, comprising:

first control means (Figure 2) for running the vehicle by the electric motor supplied with electric power from said charging mechanism in accordance with an operation of a driver;

determination means for determining whether said catalyst requires to be warmed up or not (see S11; Figure 2);

second control means for running the vehicle by the electric motor supplied with electric power from said charging mechanism, when it is determined that the catalyst requires to be warmed up(see S14; Figure 2); and

prohibition means for prohibiting control by said first control means based on a predetermined condition as to whether execution of control by said second control means is possible or not (see S12; Figure 2).

In re claim 2, 7 and 12, Asami et al. teach of an engine (E) and said catalyst purifies gases emitted from the engine (see, for example, Col. 4, lines 42-49).

In re claims 3-4, 8-9 and 13-14 see S12, Figure 2.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asami et al., as disclosed above, in view of U.S. Patent No. 6,719,076 issued to Tabata et al.

Asami et al. disclose the claimed invention except for teaching of an information means for informing the drive that the first control means is prohibited.

Tabat et al. teach of a hybrid vehicle, and Tabat et al. specifically shows in Figure 8 an information display that indicates the catalyst temperature. It would have been obvious to one having ordinary skill in the art at the time of invention to provide an

information display, as taught by Tabat et al., in the invention taught by Asami et al. One would be motivated to provide an information display to indicate to the driver the vehicle's operating state.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,892,541 issued to Suzuki teaches of a method for operating a hybrid vehicle and for warming a catalyst.

U.S. Patent No. 6,895,744 issued to Osawa teaches of an operation method and operation control device that accounts for a vehicle's catalyst temperature.

U.S. Patent No. 6,059,057 issued to Yamazuki et al. teach of a catalyst temperature control apparatus for a hybrid vehicle.

U.S. Patent No. 7,121,084 issued to Miyashita teach of a method for warming a catalytic converter and motoring a battery's state of charge.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN SWENSON whose telephone number is (571)272-6699. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/  
Supervisory Patent Examiner, Art Unit 3618

Brian Swenson  
Examiner  
Art Unit 3618

/B. S./  
Examiner, Art Unit 3618

<b>Notice of References Cited</b>	Application/Control No. 10/565,303	Applicant(s)/Patent Under Reexamination YAMAGUCHI ET AL.	
	Examiner BRIAN SWENSON	Art Unit 3618	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,895,744	05-2005	Osawa, Koichi	60/277
*	B	US-7,007,464	03-2006	Asami et al.	60/300
*	C	US-6,892,541	05-2005	Suzuki, Naoto	60/706
*	D	US-6,059,057	05-2000	Yamazaki et al.	180/65.2
*	E	US-7,121,084	10-2006	Miyashita, Shigeki	60/285
*	F	US-6,719,076	04-2004	Tabata et al.	180/65.7
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



Form PTO-1449  
(REV. 1/06)US Dept. of Commerce  
PATENT & TRADEMARK OFFICEATTY DOCKET NO.  
126732APPLICATION NO.  
10/565,303

## INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

APPLICANTS  
Katsuhiko YAMAGUCHI et al.FILING DATE  
January 20, 2006GROUP  
3618

## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number	Date	Name

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number	Date	Country	With English Abstract	With English Translation
/BLS/	1	JP A 2001-317384	11/16/2001	Japan	X	X
/BLS/	2	JP A 10-271695	10/09/1998	Japan	X	X

## OTHER DOCUMENTS

Examiner Initials	Cite No.	(Including Author, Title, Date, Pertinent Pages, etc.)

EXAMINER /Brian Swenson/

DATE CONSIDERED  
07/22/2008

Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Date: April 3, 2008



Sheet 1 of 1

Form PTO-1449 (REV. 1/06)		US Dept. of Commerce PATENT & TRADEMARK OFFICE		ATTY DOCKET NO. 126732		APPLICATION NO. 10/565,303	
INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)				APPLICANT(S) Katsuhiko YAMAGUCHI et al.			
				FILING DATE January 20, 2006		GROUP 3618	
U.S. PATENT DOCUMENTS							
Examiner Initials	Cite No.	Document Number	Date	Name			
FOREIGN PATENT DOCUMENTS							
Examiner Initials	Cite No.	Document Number	Date	Country	With English Abstract	With English Translation	
/BLS/	1	JP-A-5-222966	08/31/1993	JAPAN	X	X	
/BLS/	2	JP-A-2000-104588	04/11/2000	JAPAN	X	X	
OTHER DOCUMENTS							
Examiner Initials	Cite No.	(Including Author, Title, Date, Pertinent Pages, etc.)					
EXAMINER				DATE CONSIDERED			
/Brian Swenson/				07/22/2008			
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Date: June 6, 2008

1AP20 RECEIVED 20 JAN 2006

Sheet 1 of 1

Form PTO-1449 (REV. 8-83)		US Dept. of Commerce PATENT & TRADEMARK OFFICE		ATTY DOCKET NO. 126732		APPLICATION NO. New U.S. National Stage of PCT/JP04/007528 <b>10/565303</b>	
INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)				APPLICANTS Katsuhiko YAMAGUCHI et al.			
				FILING DATE January 20, 2006			

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS
/BLS/	1	US 6,343,252 B1	01/29/2002	ASAMI et al.		
/BLS/	2	5,566,774	10/22/1996	YOSHIDA		

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/BLS/	4	EP 0 511 654 A2	11/04/1992	EUROPE		
/BLS/	5	EP 1 063 120 A2 w/ abstract	12/27/2000	EUROPE		
/BLS/	6	EP 1 223 323 A2	07/17/2002	EUROPE		
/BLS/	7	JP A 2003-23703 w/abstr. & trans.	01/24/2003	JAPAN		
/BLS/	8	JP A 11-075302 w/ abstr. & trans.	03/16/1999	JAPAN		

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)		

EXAMINER /Brian Swenson/	DATE CONSIDERED 07/22/2008
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Date: January 20, 2006

Sheet 1 of 1

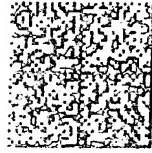
Form PTO-1449 (REV. 1/06)		US Dept. of Commerce PATENT & TRADEMARK OFFICE		ATTY DOCKET NO. 126732		APPLICATION NO. 10/565,303	
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				FILING DATE January 20, 2006		GROUP 3618	
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Examiner Initials	Cite No.	Document Number	Date	Name			
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Examiner Initials	Cite No.	Document Number	Date	Country	With English Abstract	With English Translation	
/BLS/	1	JP U 5-21119	03/19/1993	Japan	X	X	
/BLS/	2	JP A 9-327103	12/16/1997	Japan	X	X	
/BLS/	3	JP A 2001-132487	05/15/2001	Japan	X	X	
/BLS/	4	JP A 11-22503	01/26/1999	Japan	X	X	
/BLS/	5	JP A 7-71236	03/14/1995	Japan	X	X	
OTHER DOCUMENTS							
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